

**REMARKS**

This Amendment is filed in response to the Office Action mailed June 30, 2006.  
All objections and rejections are respectfully traversed.

Claims 1-35 are in the case.

No new claims were added.

Claims 10 and 30 were amended to better claim the invention.

Claims 21, 22, 30-32 and 35 were amended to fix typographical errors.

**Drawings**

At paragraph 2 of the Office Action, Examiner rejected the drawings for failing to comply with 37 CFR 1.84(p)(4) because reference character "110" in Fig 1 had been used to designate both a router and a user, where the specification identifies the router as item "155". Applicant thanks Examiner for pointing out this typographical error which has been corrected by way of this Amendment.

At paragraph 3 of the Office Action, Examiner rejected the drawings for failing to comply with 37 CFR 1.84(p)(5) because they included Fig 3, item 300 which was not mentioned in the description. Applicant thanks Examiner for pointing out this typographical error which has been corrected by way of this Amendment. Accordingly, the drawings are now believed to be in condition for allowance.

**Rejections Under 35 U.S.C. § 112**

At paragraph 5 of the Office Action, Examiner rejected claims 21 and 22 under 35 U.S.C. § 112, paragraph 2 as having insufficient antecedent basis. Applicant thanks the Examiner for pointing out the typographical errors in claims 21 and 22 which have been corrected by way of this Amendment and are believed to be in condition for allowance.

**Rejections Under 35 U.S.C. § 101**

At paragraph 6 of the Office Action, claims 10 and 30-35 were rejected under 35 U.S.C. § 101 as being directed towards non-statutory subject matter.

Applicant's amended claim 10, representative in part of the present invention states:

10. A content comparator *executing on a computer*, the content comparator adapted to compare first content with a second content, the comparator comprising:

a protocol identification module configured to identify a first protocol associated with the first content and a second protocol associated with the second content;

a plurality of data segmentation modules configured to select a set of data segments from each of the first content and the second content;

a plurality of signature computation modules configured to generate a first signature of the first content and a second signature of the second content; and

a signature comparison module configured to compare the first signature with the second signature.

Applicant respectfully points out that MPEP 2106 IV, B. 1 (a) (Page 2100-13 of the Eighth Edition) states:

Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and Office personnel should treat a claim for a computer program, without the computer-readable medium needed to realize the computer program's

functionality, as nonstatutory functional descriptive material. When a computer program is claimed in a process where *the computer is executing the computer program's instructions*, Office personnel should treat the claim as a process claim.

Applicant respectfully points out that the form of claim 10 meets the required “tangibly embodied...manner so as to be executable” requirement of MPEP 2106 IV, B, 1 (a) because the content comparator is *executing on a computer*.

Accordingly, Applicant respectfully urges that claim 10 meets the statutory requirements of 35 U.S.C. § 101, particularly as further set out in MPEP 2106 IV, B, 1 (a).

Similarly, independent claim 30 and dependent claims 31-33 are also *executing on a computer* and therefore believed to satisfy the statutory subject matter requirement under 35 U.S.C. § 101.

Applicant's claim 34, representative in part of the present invention states:

34. A network *caching device* adapted to utilize a signature associated with a protocol for caching decisions, the network caching device comprising:

- means for determining a protocol of new contents;
- means for computing a signature of the content; and
- means for comparing the computed signature of the new content with a signature of other content.

Applicant respectfully points out to Examiner that a *caching device* is implicitly a physical piece of hardware and therefore satisfies the statutory subject matter requirements under 35 U.S.C. § 101. As such, independent claim 34 and dependent claim 35 both satisfy the statutory subject matter requirements under 35 U.S.C. § 101.

**Rejections Under 35 U.S.C. § 102**

At paragraph 7 of the Office Action, claims 1-4, 10-13, 19, 20, 23-26 and 30-35 were rejected under 35 U.S.C. §102(e) as being anticipated by Gotsmon et al., U.S. Patent No. 6,501,857 issued on December 31, 2002 hereinafter (“Gotsmon”).

Applicant’s claim 1, representative in part of the present invention states:

1. A method for comparing a first content with a second content to determine whether the contents are identical, the method comprising the steps of:  
*identifying a protocol encoding the first content and second content;*  
computing a first signature of the first content and a second signature of the second content; and  
comparing the first computed signature with the second signature to determine whether the first content is identical to the second content.

Gotsmon teaches a system for “classifying [target] images, used in image detection, image recognition, or other computer vision” (Gotsmon; abstract, lines 1-3). These “target” images “can be acquired from a camera, infrared scanner, stored image, satellite or other sources” (Gotsmon; background, lines 39-43). The system then compares the “target” image to known images stored in a directory (or database) to find a match. In other words, Gotsmon teaches a method for matching an image located in a directory (or database) by comparing a “target” image taken from a camera or the like and comparing it to an image already stored in a directory (or database). Present day “applications of these systems include fingerprint, hand or retina identification, identification of faces out of crowd photos or of types and numbers of enemy aircraft from a satellite photo, and similar applications” (Gotsmon; col 1, lines 22-25). This is accomplished by vector multiplication where each eigenvector “is simply a set of numbers, perhaps as many as four

hundred numbers or more, one each for each pixel of the largest directory image” (Gotsmon; col 2, lines 8-12).

Applicant respectfully urges that Gotsmon does not show Applicant’s novel *identifying a protocol encoding the first content and second content*.

At paragraph 8, examiner states:

*...identifying a protocol encoding the first content and second content* (see column 13, lines 63 – column 14, line 22 – the vector multiplication results are considered to represent the protocol)...

Applicant discloses in part a technique for identification of identical information based upon protocol markers (encoding). “Protocol markers are generated as a byproduct of the conversion of time-variant multidimensional (TVMD) content into a form suitable for transmission over a transport medium in a computer network” (Specification; page 8, lines 6-10). In other words, when information is to be transported over a network, it must be converted (encoded) to a specific protocol, such as Moving Picture Expert Group part 2 (MPEG-2). When the conversion occurs, “protocol markers are embedded in the resulting converted content and comprise residuals of various mathematical transformations performed on the content” (Specification; page 8, lines 6-12). Examiner erroneously likens Applicant’s protocol markers, comprising byproducts of residuals of various mathematical transformations used to identify identical data in separate locations, to the Gotsmon vector multiplication results, which are based upon the number of pixels in a visual image used for image detection/recognition.

Applicant respectfully urges that the Gotsmon patent is legally precluded from anticipating the claimed invention under 35 U.S.C. § 102 because of the absence from the

Gotsmon patent of Applicant's novel *identifying a protocol encoding the first content and second content*.

Similarly, independent claims 10, 11, 19, 24, 30 and 34 also include limitations of *identifying a protocol encoding the first content and second content*. As noted above, Gotsmon does not teach or disclose the concept of *identifying a protocol encoding the first content and second content*. As such, Gotsmon does not anticipate these claims.

Claims 2-4, 11-13, 20-23, 25-29, 31-33 and 35 are dependent claims believed to be dependent from allowable independent claims for the reasons described above and therefore in condition for allowance.

#### **Rejections Under 35 U.S.C. § 103**

At paragraph 10 of the Office Action, claims 5-9, 14-18, 21-22 and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gotsmon and in view of Kobayashi et al., U.S. Patent No. 7,037,196 hereinafter ("Kobayashi").

At paragraph 11 of the Office Action, claims 27-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gotsmon and in view of Kobayashi and in further view of Viswanath, Patent No. 6,674,769 hereinafter ("Viswanath").

At paragraph 12 of the Office Action, claims 34-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gotsmon and in view of Viswanath.

As noted above, Gotsmon does not disclose or teach Applicant's claimed novel *identifying a protocol encoding the first content and second content*. As such, Applicant respectfully urges that Gotsmon, taken singly or in combination with Kobayashi and Viswanath, is legally insufficient to render the presently claimed invention obvious under

35 U.S.C. § 103. Gotsmon, Kobayashi and Viswanath, taken singly or in combination, do not teach Applicant's claimed novel *identifying a protocol encoding the first content and second content*.

All independent claims are believed to be in condition for allowance.

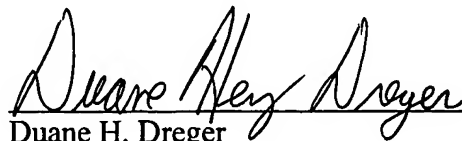
All dependent claims are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

Should the Examiner feel personal contact is required to discuss this matter further, please do not hesitate to call the undersigned attorney at (617) 951-2500.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



Duane H. Dreger  
Reg. No. 48,836  
CESARI AND MCKENNA, LLP  
88 Black Falcon Avenue  
Boston, MA 02210-2414  
(617) 951-2500